

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Jamil Boyd 703 Bywood Avenue, Apartment 1 Philadelphia, PA 19082 (b) County of Residence of First Listed Plaintiff <u>Philadelphia</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) Graham F. Baird, Law Office of Eric A. Shore 2 Penn Center, 1500 JFK Blvd, Suite 1240, Philadelphia, PA 19102 Tel: 267-546-0131	DEFENDANTS City of Philadelphia d/b/a City of Philadelphia Police Dept 1515 Arch Street, 15th Floor Philadelphia, PA 19102 County of Residence of First Listed Defendant <u>Philadelphia</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table style="width: 100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)			Click here for: Nature of Suit Code Descriptions.	
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C.A. § 1983 et seq Brief description of cause: Malicious Prosecution
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ 200,000	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____ DOCKET NUMBER _____
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DATE 8/4/2020	SIGNATURE OF ATTORNEY OF RECORD
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FOR OFFICE USE ONLY				
RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Jamil Boyd	:	CIVIL ACTION
v.	:	
City of Philadelphia d/b/a	:	
City of Philadelphia Police Department	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

8/4/2020	Graham F. Baird	Jamil Boyd
Date	Attorney-at-law	Attorney for
267-546-0131	215-944-6124	GrahamB@ericshore.com
Telephone	FAX Number	E-Mail Address

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 703 Bywood Ave, Apartment 1, Philadelphia, PA 19082

Address of Defendant: 1515 Arch Street, 15th Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: 6001 Germantown Avenue, Philadelphia, PA 19144

RELATED CASE, IF ANY:


Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/4/2020


Attorney-at-Law / Pro Se Plaintiff

92692

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
 - ☐ 2. FELA
 - ☐ 3. Jones Act-Personal Injury
 - ☐ 4. Antitrust
 - ☐ 5. Patent
 - ☐ 6. Labor-Management Relations
 - ☒ 7. Civil Rights
 - ☐ 8. Habeas Corpus
 - ☐ 9. Securities Act(s) Cases
 - ☐ 10. Social Security Review Cases
 - ☐ 11. All other Federal Question Cases
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
 - ☐ 2. Airplane Personal Injury
 - ☐ 3. Assault, Defamation
 - ☐ 4. Marine Personal Injury
 - ☐ 5. Motor Vehicle Personal Injury
 - ☐ 6. Other Personal Injury (Please specify): _____
 - ☐ 7. Products Liability
 - ☐ 8. Products Liability – Asbestos
 - ☐ 9. All other Diversity Cases
- (Please specify): _____

ARBITRATION CERTIFICATION


(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Graham F. Baird, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 8/4/2020


Attorney-at-Law / Pro Se Plaintiff

92692

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMIL BOYD
703 Bywood Avenue, Apartment 1
Philadelphia, PA 19082

Plaintiff

v.

CITY OF PHILADELPHIA d/b/a
CITY OF PHILADELPHIA POLICE
DEPARTMENT

And

POLICE OFFICER DAVID DOHAN
BADGE NO. 4690
(Individually and his Official Capacity)
c/o Marcel Pratt City Solicitor
City of Philadelphia Law Department
One Parkway, 1515 Arch Street, 15th Floor
Philadelphia, PA 19102

And

POLICE OFFICER THOMAS LACORTE
BADGE NO 3693
(Individually and his Official Capacity)
c/o Marcel Pratt City Solicitor
City of Philadelphia Law Department
One Parkway, 1515 Arch Street, 15th Floor
Philadelphia, PA 19102

And

JOHN DOE DEFENDANTS NOS. 1-10

Defendants

JURY TRIAL DEMANDED

No.

CIVIL ACTION COMPLAINT

I. Parties and Reasons for Jurisdiction.

1. Plaintiff, JAMIL BOYD (hereinafter “Plaintiff”) is an adult individual residing at the above address.

2. Defendant, CITY OF PHILADELPHIA is a municipal entity in the Commonwealth of Pennsylvania and at all times relevant hereto operated under the color of state law in creating and maintaining a Police Department and Code Enforcement Department was the employer of all named Defendants and had the responsibility of adopting policies, implementing procedures and practices which would create an environment whereby citizens would be safe from police abuse.

3. Defendant, POLICE OFFICER DAVID DOHAN (hereinafter “Defendant Dohan”) is a police officer for the City of Philadelphia and the City of Philadelphia Police Department and at all times set forth herein was acting under color of state law. He is being sued herein in his individual capacity.

4. Defendant, POLICE OFFICER THOMAS LACORTE (hereinafter “Defendant LaCorte”) is a police officer for the City of Philadelphia and the City of Philadelphia Police Department and at all times set forth herein was acting under color of state law. He is being sued herein in his individual capacity.

5. Defendants JOHN DOES NOS. 1-10 are officials, police officers and/or other public officials acting under color of state law who were involved in the following incident set forth in Plaintiff’s Complaint and at all times material hereto were acting under color of state law are being sued in their capacity.

6. Jurisdiction is conferred by 28 U.S.C. §§ 1331 and 1343.

7. Pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), venue is properly laid in this district because Defendants conduct business in this district, and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

II. Operative Facts.

8. On August 17, 2018, Plaintiff was driving a vehicle travelling northbound on Germantown Avenue, with his Chihuahua dog in the backseat.

9. At approximately 7:19pm, Defendants allege Plaintiff disregarded a steady red signal at the busy intersection of Germantown and Cheltenham Avenues.

10. There is a camera at this intersection, but Defendants failed to recover the video footage.

11. Defendants, Police Officers Doohan and Lacorte activated their police siren, and stopped Plaintiff's vehicle at 6001 Germantown Avenue.

12. After Defendants ascertained Plaintiff's name, Defendants advised Plaintiff that he was operating his vehicle on a suspended license and was in "wanted" status out of Delaware and Montgomery counties.

13. Defendants ordered Plaintiff out of the vehicle.

14. Plaintiff complied with Defendants' orders, and placed his hands on top the roof of his vehicle, with Defendants directly behind him.

15. Plaintiff turned his head to look behind at Defendant Dohan and asked, "Why are you arresting me, officer?" Without provocation, Defendant Dohan grabbed Plaintiff by the shirt, and punched him once with a closed fist to his mouth.

16. Defendant Dohan pushed Plaintiff to the ground, causing him to fall face first, hitting his top lip on the cobblestone and concrete sidewalk.

17. Defendants allege Plaintiff fell to the floor because he tripped on the curb.

18. Germantown Avenue is a historical road, and the concrete sidewalk is cobblestone with a tall, 12 inch sidewalk.

19. As Plaintiff is laying face down on the ground, both Defendants immediately jumped on top of him.

20. Both Defendants struck Plaintiff in the face and mouth multiple times for several minutes without trying to handcuff or restrain him while laying on top of him.

21. Plaintiff never physically resisted or punched Defendants.

22. Defendants never alleged they suffered any physical injuries.

23. Defendants tased the Plaintiff from behind while he was still on the ground, and then placed handcuffs on him.

24. Plaintiff was taken to Einstein Hospital, for emergency treatment to his face, mouth, and taser deployment.

25. Both Defendants used excessive force during the arrest which caused severe injuries resulting in Plaintiff being hospitalized. His injuries included multiple dental fractures that resulted 4 lost teeth, 14 sutures to his lip, and multiple abrasions to his extremities.

26. Defendants first knocked out his two top front teeth. A later surgery required removal of Plaintiff's two bottom front teeth. Defendants also caused lacerations to Plaintiff's shoulders, back, and legs.

27. Defendant Dohan has a history of physical abuse, particularly assaulting citizens with excessive force.

28. According to an August 2018 analysis of complaints against police reported by Billy Penn and City and State PA, first published in August 9, 2018, Defendant Dohan has one of

the highest rates of Citizen Complaints Against Police Officer of any officer in the Philadelphia Police Department.¹² As of August 2018, the same month Plaintiff was arrested, Defendant Dohan had 19 complaints since 2013, averaging 4 complaints a year.

29. It should be noted that, on average, it is unusual for a Philadelphia Police Officer to garner more than 1 complaint a year.

30. Although Defendant Dohan has been subject of numerous Internal Affairs Department (hereinafter “IAD”) complaints, Plaintiff is aware of at least one sustained complaint that is very similar to this current case.

31. According to IAD #16-0455, Defendant Dohan has a sustained complaint for physical abuse for assaulting a citizen in his mouth with the butt of his gun causing multiple dental fractures and a laceration on the lip that required stitches. His then partner Charles Klink screamed “fuck your pretty teeth” as Defendant Dohan used excessive force during a routine motor vehicle stop. Defendant Dohan was found to have violated Philadelphia Police Department Disciplinary Code 1-§012 (pertaining to unauthorized and / or excessive use of force).

32. That lawsuit was settled on December 16, 2017 for the sum of \$110,000. Eight months after settlement, Defendant Dohan assaulted Plaintiff in this case, in almost the identical situation.

33. Currently, there is an IAD investigation in regards to Defendants’ excessive force.

¹ <https://billypenn.com/2019/07/16/philly-police-release-hundreds-of-disciplinary-records-for-facebook-cops/>

² <https://www.cityandstatepa.com/content/philly-police-identify-cops-named-hundreds-civilian-complaints>

34. Furthermore, Defendants, Dohan and LaCourte stole Plaintiff's Chihuahua dog from the backseat of the vehicle when Plaintiff was in custody, and placed the dog at the nearest animal shelter without Plaintiff's permission.

35. The animal shelter's paperwork reveal Defendants dropped off Plaintiff's Chihuahua dog one hour later the same day at 8:27pm, at Animal Care & Control Team of Philadelphia, located at 111 W. Hunting Park Avenue. Defendants falsely avowed on the discharge paperwork that "to the best of [their] knowledge, this is a stray or unowned animal."

36. After Defendants took Plaintiff's Chihuahua dog and lied to shelter that it was a stray, Plaintiff filed a Lost Dog report on August 21, 2018.

37. When confronted about where is the Chihuahua dog during a Motion in Limine hearing, Defendant Dohan testified:

Q: Do you recall what happened to the dog?

A: Yep. It was taken to PACA.

Q: Is there a reason it's not part of the paperwork?

A: Why would it be? It had nothing to do with the arrest.

First Judicial District of Pennsylvania court hearing 11/22/19, pp 28.

38. Unfortunately, Plaintiff never found his Chihuahua dog due to Defendants' deceitful behavior.

39. There is no mention of Plaintiff's Chihuahua dog in the Defendants' paperwork.

40. There is no mention of Defendants' paperwork of Plaintiff's teeth being knocked out.

41. After Plaintiff was in custody, Defendants stated that for the first time, they now smelled a strong odor of marijuana emanating from the vehicle, and recovered from on top of the front passenger seat underneath the bag was various narcotics and a loaded firearm.

42. The criminal case is currently pending jury on February 1, 2021 in the Philadelphia Court of Common Pleas.

III. Causes of Action.

COUNT I – 4th AMENDMENT--MALICIOUS PROSECUTION (42 U.S.C.A. § 1983 et seq)

43. Plaintiff incorporates paragraphs 1-42 as if fully set forth at length herein.
44. At all times described above, Defendants were acting under color of state law.
45. As described above, Defendants initiated a criminal charge against Plaintiff.
46. As described above, Defendants initiated criminal charges with malice.
47. All charges described above are currently pending against the Plaintiff.
48. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: great economic loss, future lost earning capacity, lost opportunity, loss of future wages, loss of front pay, loss of back pay, as well as personal injury, emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.
49. As a result of the conduct of Defendants' owners/management, Plaintiff hereby demands punitive damages.

50. Pursuant to 42 U.S.C. §1983, Plaintiff demands attorneys fees and court costs.

COUNT II – 4th AMENDMENT--WRONGFUL ARREST (42 U.S.C.A. § 1983 et seq)

51. Plaintiff incorporates paragraphs 1-50 as if fully set forth at length herein.
52. At all times material hereto, Defendants were acting under color of state law.
53. As described above, Defendants arrested Plaintiff without reasonable suspicion or probable cause that she committed a criminal offense.

54. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: great economic loss, future lost earning capacity, lost opportunity, loss of future wages, loss of front pay, loss of back pay, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

55. As a result of the conduct of Defendants' owners/management, Plaintiff hereby demands punitive damages.

56. Pursuant to 42 U.S.C. §1983, Plaintiff demands attorneys fees and court costs.

**COUNT III —4th AMENDMENT—EXCESSIVE FORCE
(42 U.S.C.A. § 1983 et seq)**

57. Plaintiff incorporates paragraphs 1-56 as if fully set forth at length herein.

58. At all times material hereto, Defendants were acting under color of state law.

59. As described above, Defendants intentionally applied an unreasonable and excessive level of force towards Plaintiff, and exercised such force with no other lawful purpose or justification.

60. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: Personal injury, great economic loss, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

61. As a result of the conduct of Defendants', Plaintiff hereby demands punitive damages.

62. Plaintiff demands attorneys fees and court costs.

**COUNT IV —MONELL CLAIM
(42 U.S.C.A. § 1983 et seq)**

63. Plaintiff incorporates paragraphs 1-62 as if fully set forth at length herein.

64. At all times material hereto, Defendants instituted policies and procedures within the police department, specifically as concerns Defendant Dohan with indifference to the constitutional rights of the citizens of Philadelphia, including, but not limited to Plaintiff.

65. Those policies and procedures include creating and fostering an environment through failures to train and hire suitable police officers and a failure to supervise those officers.

66. As a proximate result of Defendants' policies and procedures, Plaintiff sustained significant damages, including but not limited to: Personal injury, great economic loss, future lost earning capacity, lost opportunity, loss of future wages, loss of front pay, loss of back pay, as well as emotional distress, mental anguish, humiliation, pain and suffering and consequential damages.

67. As a result of the conduct of Defendants', Plaintiff hereby demands punitive damages.

68. Plaintiff demands attorneys fees and court costs.

IV. Relief Requested.

WHEREFORE, Plaintiff Jamil Boyd demands judgment in his favor and against Defendants jointly and severally, in an amount in excess of \$200,000.00 together with:

- A. Compensatory damages, including but not limited to: Personal injury damages, deprivation of constitutional rights, injury to reputation, mental and emotional distress, pain and suffering, economic loss, deprivation of her liberty and property interests,
- B. Punitive damages;
- C. Attorneys fees and costs of suit;
- D. Interest, delay damages; and,

E. Any other further relief this Court deems just proper and equitable.

LAW OFFICES OF ERIC A. SHORE

A handwritten signature in black ink, appearing to read "Graham F. Baird", is positioned above a horizontal line.

GRAHAM F. BAIRD, ESQUIRE

Two Penn Center

1500 JFK Boulevard, Suite 1240

Philadelphia, PA 19102

Attorney for Plaintiff, Jamil Boyd

Dated: August 4, 2020